

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:20-cr-51

vs.

KEVIN KOVACS,

District Judge Michael J. Newman

Defendant.

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**ORDER: (1) REQUIRING DEFENDANT TO CLARIFY HIS OBJECTIONS TO THE PSR AND SHOW GOOD CAUSE; (2) SETTING A BRIEFING SCHEDULE ON DEFENDANT’S OBJECTIONS TO THE PSR; (3) SCHEDULING AN OBJECTION HEARING ON THE PSR ON AUGUST 17, 2022; AND (4) SCHEDULING SENTENCING FOR AUGUST 30, 2022**

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This criminal case is set for sentencing on August 2, 2022. Defendant, in his sentencing memorandum, levies for the first time several objections against the Probation Department’s calculation of his sentence under the Sentencing Guidelines, as contained in the Final Presentence Investigation Report (“PSR”). Doc. No. 68 at PageID 575. Defendant did not raise any objections to the Initial PSR within the timeframe for review and thus deprived the Probation Officer of an opportunity to address and resolve his objections before filing the Final PSR. *See* Fed. R. Crim. P. 32(i)(1)(D); S.D. Ohio Crim. R. 32.1(h), (i). Nonetheless, the Court “may, for good cause shown, allow a party to make a new objection at any time before sentence is imposed.” Fed. R. Crim. P. 32(i)(1)(D).

Accordingly, the Court requires Defendant to clarify and meaningfully develop his objections to the Final PSR and show good cause for raising his objections for the first time in his sentencing memorandum. *See, e.g., United States v. Small*, 988 F.3d 241, 257 (6th Cir. 2021)

(noting that objections to the PSR “must be ‘more than a [defendant’s] bare denial’” (alteration in original) (quoting *United States v. Cover*, 800 F.3d 275, 278 (6th Cir. 2015))); *United States v. Wales*, 68 F. App’x 575, 578 (6th Cir. 2003). The Court sets the following briefing schedule: (1) Defendant shall file a memorandum listing and supporting his objections to the Final PSR **on or before August 1, 2022**; and (2) the Government shall file a response brief **within 7 days after Defendant’s filing**. A hearing on the objections shall take place on **August 17, 2022 at 2:30 p.m.** Thereafter, the Court will take the matter under submission and will endeavor to issue a decision promptly on the objections before sentencing, which will now be set for **August 30, 2022 at 2:00 p.m.**

**IT IS SO ORDERED.**

Date: July 25, 2022

s/Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge